IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CRIMINAL MISC. IInd BAIL APPL. NO.460/2007
ABDUL HAMEED V. THE STATE OF RAJASTHAN

Date of order ::: January 31, 2006

PRESENT
HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.Anil Upman, for the applicant.
Dr.A.S. Khangarot, PP for the State.

Heard learned counsel for the applicant as well as the learned Public Prosecutor and perused the material / case diary made available to me during the arguments of the case..

This is second bail application under Section 438 Cr.P.C. arising out of FIR No.286/2006 registered at Police Station Sodala, Jaipur City, Jaipur, for the offence under Section 8/21 and 29 of the NDPS Act.

The first bail application was dismissed as withdrawn on 18.9.2006 with liberty to file fresh.

Counsel for the applicant submits that the mother of the applicant, who was caught red handed with 12 gram heroin has been released on bail by order dated 5th September, 2006 and the applicant was not aware of the said order on the date of withdrawal of the first bail application on 18.9.2006.

Submission of counsel for the applicant is that the applicant has been falsely implicated and the allegations made in the FIR against him was that he run away from the place of recovery.

Public Prosecutor has opposed the bail application of the applicant on the ground that the present case is of N.D.P.S. and has further submitted that the accused applicant be directed to surrender before the Court concerned.

Without expressing any opinion on merits and demerits of the case and taking into consideration all the facts and circumstances of the case for the purpose of bail, I am of the view that present case is fit for grant of anticipatory bail under Section 438 Cr.P.C.

Therefore, the S.H.O./I.O of Police Station Sodala, Jaipur City is directed that in the event of arrest of the applicant Abdul Hameed S/o Shri Samiulla in FIR No.286/2006, he shall be released on bail, provided he furnishes a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) together with two sureties in the sum of Rs.10,000/- to his satisfaction on the following conditions:

1. That the applicant shall make himself available for interrogation by Investigating Officer as and when required;
2. That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
3. That the applicant shall not leave India without prior permission of the Court.

(PREM SHANKER ASOPA) J.

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